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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/030,532	05/20/2002	Rolf Hartung	EF377398953US	4148	
21003 7	590 12/02/2005		EXAMINER		
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			KEENAN, JAMES W		
			ART UNIT	PAPER NUMBER	
			3652		
		DATE MAILED: 12/02/2005			

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/030,532	HARTUNG, ROLF		
Examiner	Art Unit		
James Keenan	3652		

	James Keenan	3652				
The MAILING DATE of this communication appe	ears on the cover sheet with the c	orrespondence add	ress			
THE REPLY FILED <u>21 November 2005</u> FAILS TO PLACE THIS	S APPLICATION IN CONDITION F	OR ALLOWANCE.				
1. The reply was filed after a final rejection, but prior to or or this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a Not a Request for Continued Examination (RCE) in compliant time periods:	wing replies: (1) an amendment, aff otice of Appeal (with appeal fee) in c	idavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)			
a) The period for reply expires <u>4</u> months from the mailing date of the final rejection.						
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire I Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	ater than SIX MONTHS from the mailing (b). ONLY CHECK BOX (b) WHEN THE 06.07(f).	g date of the final rejecti FIRST REPLY WAS F	on. ILED WITHIN			
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office latermay reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The appropri inally set in the final Offi	ate extension fee ce action; or (2) as			
 The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exte a Notice of Appeal has been filed, any reply must be filed AMENDMENTS 	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th				
3. The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brief	will not be entered b	0031160			
 (a) ☐ They raise new issues that would require further co (b) ☐ They raise the issue of new matter (see NOTE below 	nsideration and/or search (see NO w);	TE below);				
(c) ☐ They are not deemed to place the application in be appeal; and/or	tter form for appeal by materially re	ducing or simplifying	the issues for			
(d) They present additional claims without canceling a	corresponding number of finally rej	ected claims.				
NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1.1						
4. The amendments are not in compliance with 37 CFR 1.1		mpliant Amendment	(PTOL-324).			
Applicant's reply has overcome the following rejection(s)	: <u>112/1 (claims 17-31)</u> .					
6. Newly proposed or amended claim(s) would be a non-allowable claim(s).	•	•	J			
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows: Claim(s) allowed:		l be entered and an e	explanation of			
Claim(s) allowed: Claim(s) objected to:						
Claim(s) rejected: <u>17-31</u> .						
Claim(s) withdrawn from consideration:						
AFFIDAVIT OR OTHER EVIDENCE 8. ☐ The affidavit or other evidence filed after a final action, bu because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e).	nt before or on the date of filing a No d sufficient reasons why the affidav	otice of Appeal will <u>no</u> it or other evidence is	t be entered s necessary and			
 The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to o 	overcome all rejections under appea	al and/or appellant fai	ls to provide a			
showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER						
11. The request for reconsideration has been considered bu	it does NOT place the application in	n condition for allowar	nce because:			
12. ☐ Note the attached Information Disclosure Statement(s). 13. ☑ Other: See Continuation Sheet.	(PTO/SB/08 or PTO-1449) Paper N	James Keenan Primary Examiner	nen			
		Art Unit: 3652				

Continuation of 3. NOTE: The amendment to the specification raises the issue of new matter because, contrary to applicant's assertion, figure 1 as originally filed does not clearly show the loading station and the heating and cooling plates disposed along a linear axis parallel to the rails of the internal handling system. Figure 1 is a perspective view looking at the invention from an angle above and to the left and in no way, absent an explicit teaching in the specification or claims as originally filed, can be seen as disclosing these components as now described. The amendments to claim 17 raise new issues in that even though they overcome the 112/1 rejection, they do not clearly place the application in condition for allowance. It is unclear if the amendments to claim 17 overcome the previous 103 rejection and even if they did, further consideration and/or searching would be required.

Continuation of 13. Other: The drawing corrections are not approved because they still fail to show the claimed features.